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| EXAMINER |
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JACOBS, LASHONDA T

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/862,789
Filing Date: September 21, 2001
Appellant(s): ORHOMURU, SUNDAY

Thomas R. Williamson III
Reg. No. 47,180
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 4, 2010 appealing from the Office action mailed September 1, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020073076

Xu et al

6-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **5-6** are rejected under 35 U.S.C. 102(e) as being anticipated by Xu et al (hereinafter, “Xu”, U.S. Pub. No. 2002/0073076).

As per claim **5**, Xu discloses a method for data transfer or transferring data, said method comprising the steps of:

- obtaining a wireless mobile device, wherein said wireless mobile device comprises a browser selected from the group consisting of WAP browsers and any other wireless mobile device browsers (paragraphs 0030 and 0035, Xu discloses client computer that may be a Palm Pilot or a browser-equipped cellular telephone that may be interface with wireless application protocol);
- selecting an operation from the group consisting of accessing data selected from the group consisting of data files and database files via said browser both online and offline, searching data selected from the group consisting of data files and database files via data files and database files via said browser both online and offline, posting data selected from the group consisting of data files and database files via said browser both online and offline, updating data selected from the group consisting of data files and database files via said browser both online and offline, deleting data selected from the group

Art Unit: 2457

consisting of data files and database files via said browser both online and offline, and combinations thereof (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files);

- utilizing said wireless mobile device to access a computer on a very secure environment with data integrity (paragraphs 0030, 0031, 0034-0035, 0037-0039, Xu discloses a client computer which may a browser-equipped cellular telephone accessing a computer); and
- performing said selected operation (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files).

As per claim 6, Xu discloses a method for accessing, searching, posting, updating and deleting information selected from the group consisting of any type of data files and database files, said method comprising the steps of:

- obtaining a wireless mobile device, wherein said wireless mobile device comprises a browser selected from the group consisting of WAP browsers and any other wireless mobile device browser (paragraphs 0030 and 0035, Xu discloses client computer that may be a Palm Pilot or a browser-equipped cellular telephone that may be interface with wireless application protocol);
- utilizing said wireless mobile device to access a computer on a very secure environment with data integrity (paragraphs 0030, 0031, 0034-0035, 0037-0039, Xu discloses a client computer which may a browser-equipped cellular telephone accessing a computer); and
- performing an operation via said browser both online and offline selected from the group consisting of accessing information, searching information, posting information, updating information, deleting information, and combinations thereof, said information

Art Unit: 2457

being selected from the group consisting of any type of data files and database files (paragraphs 0031, 0034, 0038, and 0046-0047, Xu discloses a user creating, adding, deleting, updating, searching database files).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu in view of Haynes et al (hereinafter, “Haynes”, U.S. Pat. No. 7,110,968)

As per claim **9**, Xu discloses the invention substantially as claims discussed above.

However, Xu does not explicitly disclose:

- utilizing a WAP Shopping Site having a catalog system, wherein said WAP Shopping Site allows displaying, browsing, and searching of products with a WAP shopping cart, and wherein said WAP shopping cart allows visitors to add, view, and delete items ordered and allows visitors to check out;
- upon checkout, presenting said visitors with a secure page to supply their personal information;
- providing 24 Hour a Day, 7 Days a Week Support System for feedback and communications; and
- utilizing a database for storage of said information.

Art Unit: 2457

Haynes discloses a method for managing an electronic-commerce shopping cart comprising:

- utilizing a WAP Shopping Site having a catalog system, wherein said WAP Shopping Site allows displaying, browsing, and searching of products with a WAP shopping cart, and wherein said WAP shopping cart allows visitors to add, view, and delete items ordered and allows visitors to check out (abstract, col. 3, lines 20-37 and col. 4, lines 34-50; Haynes teaches a user accessing an online shopping website with a WAP browser that allows the shopper to browse, add, change and remove items in a shopping cart);
- upon checkout, presenting said visitors with a secure page to supply their personal information (abstract, col. 3, lines 20-37 and col. 4, lines 34-50; Haynes teaches a user accessing an online shopping website with a WAP browser that allows the shopper to browse, add, change and remove items in a shopping cart);
- providing 24 Hour a Day, 7 Days a Week Support System for feedback and communications (abstract, col. 3, lines 20-37 and col. 4, lines 34-50); and
- utilizing a database for storage of said information (abstract, col. 3, lines 20-37 and col. 4, lines 34-50)..

Given the teaching of Haynes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Xu to include access to an online shopping website to allow a user to browse, add and remove products/items to a shopping cart in a timely and efficient manner thereby providing a system for easy and flexible shopping.

As per claim **10**, Xu discloses,

- wherein said database is selected from the group consisting of an Access Database, a SQL Server, and an Oracle Server (paragraph 0032)

Art Unit: 2457

As per claim **11**, Xu discloses the invention substantially as claims discussed above.

However, Xu does not explicitly disclose:

- allowing computer access to said WAP Shopping Site via a computer.

Haynes discloses a method for managing an electronic-commerce shopping cart comprising:

- allowing computer access to said WAP Shopping Site via a computer (abstract, col. 3, lines 20-37 and col. 4, lines 34-50; Haynes teaches a user accessing an online shopping website with a WAP browser that allows the shopper to browse, add, change and remove items in a shopping cart);.

Given the teaching of Haynes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Xu to include access to an online shopping website to allow a user to browse, add and remove products/items to a shopping cart in a timely and efficient manner thereby providing a system for easy and flexible shopping.

(10) Response to Argument

Appellants argued in substance that:

(a) Xu does not disclose creating, adding, deleting and updating database files online
[Appeal Brief page 13].

In response, Applicant's argument filed has been fully considered but is not persuasive.

The mobile device in Xu et al is able to access the internet and allow the user to perform search queries, create, add, delete and update database files while the user is connected to the Internet (online). The database search engine is only downloaded to the mobile device when the client is working offline. Thus the client of the mobile device in Xu et al is able to perform user

Art Unit: 2457

create, add, delete, update and search database files online and offline (paragraphs 0012, 0013, 0031, 0034, 0035, 0038, 0046-0047 and 0051). Therefore, Xu teaches creating, adding, deleting and updating files online.

(b) Xu does not disclose performing an operation via said browser both online and offline, wherein said operation is selected from the group consisting of accessing information, posting information, updating information, deleting information and combinations thereof [Appeal Brief page 14].

In response, Applicant's argument filed has been fully considered but is not persuasive.

The mobile device in Xu et al is able to access the internet and allow the user to perform search queries, create, add, delete and update database files while the user is connected to the Internet (online). The database search engine is only downloaded to the mobile device when the client is working offline. Thus the client of the mobile device in Xu et al is able to perform user create, add, delete, update and search database files online and offline (paragraphs 0012, 0013, 0031, 0034, 0035, 0038, 0046-0047 and 0051). Therefore, Xu disclose performing an operation via said browser both online and offline, wherein said operation is selected from the group consisting of accessing information, posting information, updating information, deleting information and combinations thereof.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2457

Respectfully submitted,

/LaShonda T Jacobs/

Primary Examiner, Art Unit 2457

Conferees:

/Moustafa M Meky/

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/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457